

REMARKS

Claims 1-5, 7 and 9-13 are pending. Claims 1 and 9, the only independent claims, have been amended.

Claims 1, 3, 7 and 9 were rejected under 35 U.S.C. § 103 over U.S. Patent 6,571,279 (Herz et al.) in view of U.S. Patent 6,269,394 (Kenner et al.) and further in view of U.S. Patent 6,587,835 (Treyz et al.). Claims 2, 4, 5 and 10-13 were rejected under 35 U.S.C. § 103 over Herz et al., Kenner et al. and Treyz et al., and further in view of U.S. Patent 5,627,549 (Park).

Amended claim 1 is directed to a regional information distribution system for use in distributing regional information to consumers through a communication network. The system includes: an information input terminal for making advertising data designating regions where the advertising data are distributed; a concentrated management server which is connected with the information input terminal through the communication network and which manages the advertising data; a regional distribution server which is connected with the concentrated management server through the communication network and which is integrated with a radio base station located per each region where the advertising data are distributed and which distributes the advertising data to a handy terminal existing within the area of the radio base station, the handy terminal having an information filter function for determining favorable conditions of said advertising data for an owner of the handy terminal; and a support server for distributing the advertising data in place of the regional distribution server, when load, the occupation ratio of processing of a CPU of the regional distribution server, exceeds a predetermined level.

In the Office Action, the Examiner conceded that Herz et al. failed to teach the recited support server for distributing the advertising data in place of the regional distribution

server, when load is concentrated on the regional distribution server. The Office Action relied upon Kenner et al. to meet this feature.

However, the load being balanced in Kenner et al. relates the bandwidth required to accommodate predicted downloads. See col. 31, lines 12-67. On the other hand, in the present invention, the load is the occupation ratio of the CPU of the server. To make this distinction even more clear, the independent claims have been amended to more explicitly recite this feature. Support can be found in the specification at page 19, lines 13-22.

For at least the foregoing reasons, amended claim 1 is believed clearly distinguishable over Herz et al. in view of Kenner et al. Treyz et al. does not remedy the above-identified deficiency of Herz et al. and Kenner et al. as a reference against amended claim 1.

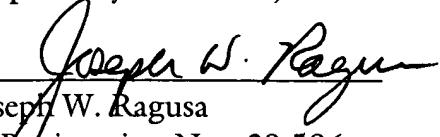
Amended independent claim 9 is a method claim substantially corresponding to amended claim 1 and is believed patentable for substantially similar reasons. For at least the reasons discussed above, the independent claims are believed to clearly distinguish over the cited references.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Dated: December 8, 2005

Respectfully submitted,

By   
Joseph W. Ragusa

Registration No.: 38,586  
DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP  
1177 Avenue of the Americas  
41st Floor  
New York, New York 10036-2714  
(212) 835-1400  
Attorney for Applicant